

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

MIKE PEREZ,	:	CIVIL ACTION NO. 1:04-CV-1944
	:	
Plaintiff	:	(Judge Conner)
	:	
v.	:	
	:	
UNITED STATES OF AMERICA,	:	
	:	
Defendant	:	

ORDER

AND NOW, this 21st day of April, 2005, upon consideration of defendant's objections (Doc. 58) to the order of court dated April 13, 2005 (Doc. 56), on the ground that several of the individuals directed to appear at an evidentiary hearing in the above-captioned case lack personal knowledge of facts potentially relevant to plaintiff's allegations of unlawful confiscation of materials (Doc. 38), and it appearing that Chris Moser, Matthew Buck, and Wendy Rehm do not have non-cumulative relevant testimony or evidence to offer (see Doc. 58, Exs. 3, 5, 6),¹ but that James Bottorf participated in the "mass shakedown" and potentially has knowledge of the circumstances surrounding the search of plaintiff's cell (see Doc. 58, Ex. 2), that Scott Clarkson is responsible for property claims and potentially has access to information and evidence concerning the materials alleged to have been unlawfully confiscated (see Doc. 58, Ex. 4), and that Troy Williamson is warden of

¹ Although these individuals could presumably testify about the purpose of the "mass shakedown" at issue (see Doc. 58, Exs. 3, 5, 6), other witnesses, such as James Bottorf and Frank Passaniti, can offer similar information and are more closely linked to the search of plaintiff's cell (see Docs. 52, 58).

the correctional facility and potentially has access to information and evidence concerning the “mass shakedown” and the materials alleged to have been unlawfully confiscated (see Doc. 58, Ex. 7), it is hereby ORDERED that the objections (Doc. 58) are SUSTAINED in part and DENIED in part as follows:

1. The following individuals identified in the prior order of court (Doc. 56) shall be called to testify as witnesses at the hearing: Susan Albert, Frank Passaniti,² James Bottorf, Scott Clarkson, and Troy Williamson.
2. The following individuals identified in the prior order of court (Doc. 56) shall not be called to testify as witnesses at the hearing: Chris Moser, Matthew Buck, and Wendy Rehm.
3. Except as modified herein, all previous orders of court in the above-captioned case remain in full force and effect.

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge

² Susan Albert and Frank Passaniti were previously identified by the United States as individuals with personal knowledge of facts potentially relevant to plaintiff's allegations of unlawful confiscation of materials. (Doc. 52).